



OFFICE OF THE LIEUTENANT GOVERNOR

SHEILA SIMON – LIEUTENANT GOVERNOR

Illinois River Coordinating Council Quarterly Meeting

**Wednesday, June 20, 2012
Shedd Aquarium
Chicago, Illinois
1:30 PM**

Minutes

Welcome

Allen LaPointe, Director of Environmental Quality at Shedd Aquarium, welcomed the Illinois River Coordinating Council (IRCC) to the Shedd Aquarium. LaPointe mentioned that Shedd Aquarium, which is involved in conservation efforts throughout the Illinois River Basin and the Great Lakes, is proud to be a partner of the IRCC. LaPointe introduced the Council members to Shedd Aquarium's Great Lakes Initiative, which is built on three types of work: science and research, public awareness, and new ideas. He noted that by convening as groups and organizations such as the IRCC, individuals are able to share different viewpoints that enrich conservation and water quality initiatives throughout Illinois.

Call to Order and Attendance

Lt. Governor Sheila Simon thanked LaPointe and the Shedd Aquarium for allowing the Council to host its quarterly meeting at the Aquarium. Lt. Governor Simon called the meeting to order, and welcomed members and guests. She invited the members of the Council to introduce themselves.

Citizen Members

Doug Blodgett, The Nature Conservancy of Illinois; Lee Bunting, the Association of Illinois Soil and Water Conservation Districts; Margaret Frisbie, Friends of the Chicago River; Daphne Mitchell; Wendell Shauman, the Illinois Farm Bureau.

State Agency Members

Debbie Bruce and Barry McCauley, the Illinois Department of Natural Resources; Joe Bybee, the Illinois Department of Agriculture; Janel Veile, the Illinois Department of Transportation; Marcia Willhite, the Illinois Environmental Protection Agency.

Ex-Officio Members

Brian Anderson, the Illinois Natural History Survey; Nani Bhowmik, the Science Advisory Committee; Louise Clemency, the US Fish and Wildlife Service, Chicago; Misganaw Demissie, the Illinois State Water Survey; Ted Kratschmer, the National Great Rivers Research and Education Center; Manohar Kulkarni, the Illinois Sustainable Technology Center; Ward Lenz, Chief of the Regulatory Branch, the US Army Corps of Engineers, Rock Island District; Lieutenant Colonel Jim Schreiner, Deputy District Commander of

the US Army Corps of Engineers, Chicago District; Shelley Silch, the US Geological Survey; Christine Urban, the US Environmental Protection Agency.

Absent Members

Lee Albright, US Fish and Wildlife Service, Illinois River; Coleen Callahan, the USDA Rural Development; Scherrie Giamanco, the USDA Farm Service Agency; William Gradle, the USDA Natural Resources Conservation Service; Reggie Greenwood; Colonel Christopher Hall, the US Army Corps of Engineers, St. Louis District; Captain Steve Hudson, the US Coast Guard, Sector Upper Mississippi; Don McKay, the Illinois Geological Survey; Lieutenant Doug Salik, the US Coast Guard, Sector Lake Michigan; Terry Weldin-Frisch, the Department of Commerce and Economic Opportunity; Richard Worthen.

Approval of Minutes

Lt. Governor Simon invited a motion to approve the Joint River Coordinating Councils (JRCC) minutes from February 6 in Springfield.

The motion was made by Shauman and seconded by Mitchell.

The motion passed with a unanimous vote.

Chairman's Remarks

Lt. Governor Simon introduced the Council members to Delio Calzolari, who is the Open Meetings Act Officer for the IRCC, and urged the Council to speak to Calzolari with any questions or concerns on the requirements of the Open Meetings Act. Lt. Governor Simon reminded the Council that the purpose of the Open Meetings Act is to ensure that the actions of the Council are visible to the public, and stressed the importance of remaining in compliance with the statute.

Lt. Governor Simon mentioned that at the last Joint River Coordinating Councils (JRCC) meeting, held on February 6, the agenda featured an action item regarding a potential sand mine near Starved Rock State Park. She found the meeting to be extremely beneficial, as it afforded the opportunity for both sides of the issue to be brought before all three councils.

Lt. Governor Simon reminded the Council that it adopted a resolution at the JRCC meeting that called for public participation and transparency during the permitting process. She further noted that her office had been working with the state agencies to determine the best way, within the limits of the law, to involve the public in the permitting processes. Lt. Governor Simon announced that through the efforts of the Illinois Environmental Protection Agency (IEPA), the Illinois Department of Natural Resources (IDNR), the Illinois Historic Preservation Agency (IHPA), and the Office of the Lt. Governor, the IEPA was able to host a public availability session to allow the public to ask questions about the proposed sand mine and the permitting processes. This public availability session was held on May 23, 2012, and included the IEPA, the IDNR, the IHPA, the Office of the Lt. Governor, Mississippi Sand, and Patrick Engineering.

Lt. Governor Simon noted that a key lesson learned from the process of permitting Mississippi Sand is that the public must become involved in the permitting process at the county level, even though additional opportunities to impact the processes are available at differing permitting points among the state agencies involved.

Lt. Governor Simon stated that all levels of government, including local communities and state agencies, have the responsibility to monitor environmental permitting, particularly as new laws are proposed that could impact the permitting processes and the oil and natural gas industry.

Endangered and Invasive Fish Species in the Upper Illinois River Basin - Phillip Willink, PH.D., Senior Research Biologist, Shedd Aquarium

Fish communities are a reflection of their habitat. Constantly changing landscapes impact and alter fish communities over time. Willink and Shedd Aquarium are compiling data from other conservation and research programs to map past and current habitats of endangered and invasive fish species and their location in the Illinois River Basin. This will allow Willink to research patterns in habitat migration to find their causes and potential ramifications.

Four rivers – Fox, DesPlaines, Kankakee, and Vermillion – form the Illinois River Basin. The rivers and the lakes in the basin were formed by glacial movement. Today, agriculture and development continue to alter the Illinois River Basin. These impacts cause the landscape, water quality, river flow, and ecosystem of each of these rivers to differ, and have resulted in the formation of different fish habitats in each waterway.

The extremely diverse fish species of the Upper Illinois River Basin include numerous endangered and threatened species. Willink has located four hotspots for endangered and threatened species, utilizing the data that he has gathered.

The first is the Lower Kankakee River. The Lower Kankakee River owes its initial shape to the Kankakee Torrent, which carved the basin with large pulses of water from melting glaciers. The erosion caused by the Kankakee Torrent created patches of boulders, rocks, and gravel in the Kankakee River. There is little sedimentation in the river, due to its location, leaving a clean river bottom allowing numerous types of mosses, clams, and insects to flourish. This provides a safe habitat for two endangered species that are sensitive to sedimentation: the River Redhorse and the Pallid Shiner.

Another hotspot can be found within the Upper Kankakee River Basin. This area was also affected by the Kankakee Torrent, but did not erode to the same extent as the Lower Kankakee River, leaving a large open and level space. This space formed what is now called the Grand Kankakee Marsh, one of the largest wetlands in the region. Unsurprisingly, the fish species in this region are ones best suited to wetlands, and include the Northern Brook Lamprey, the Ironcolor Shiner, the Weed Shiner and the Northern Starhead Topminnow.

A third hotspot is the Glacial Lake Area, which includes numerous lakes and ponds, formed by glaciers as they traveled, deposited sediment, and continued to melt. In this area, most of the lakes have clear waters with bountiful vegetation, which again lead to an increase in the habitat of certain fish species. In the Glacial Lake Area, the Blacknose Shiner, the Iowa Darter, the Banded Killifish, the Blackchin Shiner and the Pugnose Shiner may be found.

The final hotspot is a combination of portions of three rivers – the Fox, the Kankakee, and the Vermillion – that are the only locations where the Greater Redhorse fish can be found. Currently, scientists and researchers are unsure as to what caused the strange divisions in the habitat of this fish. Through

further research, Willink hopes to verify the data that he has gathered on the Greater Redhorse and learn more about its habitat.

The Shedd Aquarium is also working to track the movement of several invasive species, including the Weatherfish, the Round Goby, and the Asian Carp. The Weatherfish and the Round Goby, in particular, once moved throughout portions of the Illinois River Basin, but do not appear to have continued their movement since the early 2000s. Willink hopes to track these fish to verify data on their movement and to learn more about why their movement has stalled.

The Shedd Aquarium is also tracking the movement of certain fish species which are native to the Illinois River Basin, including the Western Creek Chubsucker. For the past two decades, the northern population of the Western Creek Chubsucker has disappeared, leaving only a population in the southern portion of the Illinois River Basin. In contrast, the Freckled Madtom – which is native to the Illinois River Basin, but had migrated from the northern region – was recently found again in the DesPlaines River. By studying the movements of these fish, Willink hopes to shed more light on the causes of fish migration in the Illinois River Basin.

Fish are part of an extremely diverse community, which is constantly changing. Similarly, conservation and management plans and practices must be dynamic.

Questions for Willink

Hirner questioned where the Round Goby fish originated. Willink responded that the Round Goby is native to the Black Sea, and probably travelled to the Illinois River Basin in the ballast water discharged by transoceanic vessels.

Frisbie asked where the Weatherfish originated. Willink responded that the Weatherfish could have originated from multiple sources, as that type of fish has been part of both the pet and the food trades.

Frisbie noted that an Iowa Darter had been found in the northern branch of the Chicago River. Willink confirmed the finding, and mentioned that a second Iowa Darter has also been found by WRD Environmental.

Hirner asked for confirmation that Asian Carp DNA was found beyond the electric barrier in the Illinois River. Willink was unsure of recent findings, but noted that Asian Carp DNA has been found beyond the electric barrier in the past. Schriener confirmed that Asian Carp DNA was found, and noted that Asian Carp DNA was previously found in the same location as the recent finding. Schriener added that it would be necessary to determine if the DNA was conclusive to a live Asian Carp in the area, as there are multiple factors that could elicit a positive hit for Asian Carp DNA. Schriener noted that at this time, a live Asian Carp has never been found north of the electric barriers in the Illinois River.

Erosion and Sedimentation in the Illinois River Basin and the Leading Role of the IRCC in Addressing the Issue - Mike Demissie, Director, Illinois State Water Survey

The Illinois State Water Survey (ISWS) is currently focusing on four major issues along the Illinois River, which are: sedimentation, hydrology, water quality, and habitat degradation. Demissie provided the Council with an update on the progress that has been made toward the reduction of sedimentation.

In 1997, a committee that would later become the IRCC completed work on the Integrated Management Plan (IMP) for the Illinois River Watershed. The IMP made 34 recommendations on several topics which have guided the work of the ISWS since that time.

Recommendation 12 of the IMP deals specifically with sedimentation and water quality, and calls for improved monitoring of those issues. The recommendation reads as follows:

Improve monitoring of water and sediment of Illinois streams:

- Involve units of local, state and federal governments that need water and sediment data.
- Evaluate the quality and locations of current water and sediment monitoring and data collection.
- Improve the ability to evaluate and recommend reliable water and land use management options.

When the ISWS began working on sedimentation issues in the Illinois River, the organization recognized that data were needed to show both citizens and stakeholders the extent of the sedimentation problem within the Illinois River Basin. Once data were collected, the ISWS created a report entitled *The Sediment Budget of the Illinois River*. This report tracked the origin of the sediment entering the Illinois River, and identified the peak areas or areas of concern that should be closely monitored.

The Illinois Conservation Reserve Enhancement Program (CREP) also addresses sedimentation and erosion in the Illinois River Basin. The CREP was implemented in 1998, shortly after the implementation of the IMP, and is managed by a joint partnership of federal, state and local agencies. The CREP provides an opportunity for landowners to volunteer to remove highly erosive areas along the Illinois River from agricultural practice. From 1998 to 2010, over 140,000 acres of land were enrolled in the program.

A large portion of the CREP involves monitoring sedimentation along the Illinois River. Since 2000, the CREP has utilized monitoring stations within the Spoon River and the Sangamon River, where sediment and nutrients are measured on a regular basis. In terms of the sedimentation, the 12 years the monitoring stations have been in place is too short of a time to determine the effectiveness of the CREP. However, long-term monitoring will meaningfully contribute to future discussions on sedimentation and erosion.

The ISWS is also monitoring sedimentation through the ISWS Benchmark Sediment Monitoring Program. This program utilizes over 30 years of past and current data, taken from stations throughout Illinois. Unfortunately, due to budget cuts, the Benchmark Sediment Monitoring Program has been forced to reduce its number of monitoring stations from 50 to 15.

Demissie discussed three of the 15 monitoring stations from the Benchmark Sediment Monitoring Program: the Sangamon River station at Monticello, the La Moine River station at Ripley, and the Spoon River station at London Mills. All three stations have shown a gradual reduction of sediment delivery since 1980, demonstrating that all of the sediment reduction activities along the Illinois River are having

an impact. Even with this reduction, however, the question remains whether enough is being done to reach the correct balance of sediment delivery into the Illinois River.

Further, it is important to put these data into perspective. Data from this 32-year time frame can reflect both wet and dry periods, which have different baseline levels of sedimentation. Questions about data collected during this time period will not be answered until more information on the 32-year time frame itself is available.

The ISWS is also heavily involved in sediment reduction within Peoria Lake in Peoria, Illinois. Peoria Lake is the largest lake in the Illinois River system, and has been heavily impacted by sedimentation. The upper portion of the lake is almost completely silted in, and the lower portion, while still navigable, is following the same pattern. If this trend continues, the entire lake will fill with sediment and be unsustainable.

In the early 1990s, the ISWS and the US Army Corps of Engineers (USACE) completed a study that recommended selective dredging in Peoria Lake and the creation of three Peoria Lake Islands. The Peoria Lake Islands, when completed, will total almost 70 acres of land created by dredging nearly 200 acres of the lakebed to depths between six and eight feet. Creation of the islands is anticipated to reduce sedimentation, improve navigation, increase deep-water habitat for fish, and create habitat for migratory birds within Peoria Lake. A similar island was completed by the USACE on the Illinois River near Chillicothe in 1994.

Currently, construction is underway on the first Peoria Lake Island, north of the McClugage Bridge. Construction will begin on the remaining two islands when funding is allocated to the project by Congress.

The IMP has been a driving force behind these sediment reduction projects, and similar projects, within the Illinois River. Demissie believes that it will be important for the Council to revisit the IMP and update the report with new recommendations to guide further sediment reduction.

The PowerPoint for this presentation may be accessed [here](#).

Questions for Demissie

Willhite asked for clarification on the parameter being measured by the graph showing data from the ISWS monitoring stations at Monticello, Ripley, and London Mills. Demissie clarified that the parameter being measured is sediment discharge.

Hirner reminded the Council that in 2011, Olivia Dorothy, formerly of the Office of the Lt. Governor, asked members of the Council to assist in researching the status of the measureable objectives listed by the IMP for a 15 year update on the plan. In December of 2011, a draft of that 15 year update was presented to the Council for review. Unfortunately, the draft of the 15 year update did not include information on the 10 key recommendations proposed by the IMP. Hirner informed the Council that the Office of the Lt. Governor is working to revise the 15 year update to include the 10 key recommendations of the IMP. The revised update will provide information on each of the 10 key recommendations, link each recommendation to the measureable outcomes that the recommendation affects, and provide the previous research done by Dorothy and members of the Council. The revised update will also identify gaps in the

IMP that the Council might wish to address. Once complete, this information will be passed to the Science Advisory Committee for review.

Hirner informed the Council that during the next IRCC meeting in Lewistown, the revised 15 year update on the IMP will be the focus of the meeting. The update will be distributed to the Council prior to the meeting for review.

Illinois River Website – DK Hirner, Chief of Staff, Office of the Lt. Governor

The websites for each river in Illinois began with the Mississippi River Coordinating Council (MRCC). During the November 1, 2011 meeting held in Alton, members of the MRCC suggested that the sheer quantity of organizations and agencies working along the Mississippi River main stem made it difficult for members of the public to keep track of projects and activities. MRCC members suggested that a centralized location was needed to act as a gateway to information on these organizations and agencies. Caitlyn Barnes, Office of the Lt. Governor, researched organizations and agencies working in or along the Mississippi River, and sorted them by category to create a document that could be used for such a website. Dr. Manohar Kulkarni, from the Illinois Sustainable Technology Center at the University of Illinois Champaign, agreed to host that website. After that meeting, similar documents were created for each River Coordinating Council.

Hirner invited Kulkarni to update the Council on the process of creating the Mississippi River website. Kulkarni noted that during the last MRCC meeting on April 10, 2012, in Chester, Illinois, he solicited comments on the website document from MRCC members. Kulkarni organized the responses from the MRCC members and is currently coordinating that information. Comments, questions and concerns from the MRCC members will be used to organize the website into the most accessible format, and to update the information contained in the website document.

Hirner noted that once the Mississippi River website has been completed, websites will be created for the Wabash and Ohio Rivers and the Illinois River. At this point in the process, it will be necessary to quickly and efficiently identify the major stakeholders along each river. Hirner requested that the Council members review the Illinois River document that was provided to them, and provide comments and suggestions on the document to the Office of the Lt. Governor. She noted that comments could include suggestions on agencies and organizations that are missing, and local contact information that could be included for specific organizations.

Ayers suggested that the Council members provide their suggestions to the Office of the Lt. Governor by Monday, July 9, and provided the Council members with his contact information.

Update on Permitting Process Regarding Proposed Sand Mine

At the Joint River Coordinating Councils meeting on February 6 in Springfield, citizen members from the IRCC requested that an action item be placed on the agenda to discuss a proposed sand mine that would be located next to Starved Rock State Park. Since that meeting, the IEPA and the IDNR have both received permit applications from the mining company, Mississippi Sand, and the IHPA is currently involved in a consultation process regarding the possibility of historically significant items on the mining site. On May 23, 2012, the IEPA hosted a public availability session featuring the IEPA Bureau of Water, the IEPA Bureau of Air, the IDNR, the IHPA, the Office of the Lt. Governor, Mississippi Sand, and Patrick Engineering. Citizens were able to discuss the permit applications and pending consultation with each

agency, ask questions about the proposed reclamation plan for the site, and learn more about the proposed location of the sand mine.

A document was provided at the public availability session, which detailed the permitting processes for both the IDNR and the IEPA, and the consultation process for the IHPA. That document can be accessed [here](#).

As some of the Council members were unable to attend this public availability session, an update was included in the agenda to allow citizen and ex-officio members to ask questions of the state agencies regarding the permit applications.

Hirner informed the Council that a representative from the IHPA was unable to attend the current Council meeting, but informed the Office of the Lt. Governor that since the public availability session, no new updates on its consultation process were available.

Hirner read the update that was provided by the IHPA at the public availability session.

Questions on the IHPA Permit

Mitchell asked if the IHPA had provided their determination to the IEPA. Ayers responded that the IHPA is still waiting to receive the findings of the archaeological study in order to make their determination.

Mitchell asked for clarification that the 30-day time period in which the IHPA has to respond to the IEPA has not yet begun, because the IHPA is still waiting to receive the findings of the archaeological study. Hirner confirmed that the 30-day period would not begin until the findings of the archaeological study were received and reviewed by the IHPA.

Barry McCauley, from the Office of Mines and Minerals at the IDNR, provided the Council with an update on the application for the [Aggregate Surface Mining Permit](#) ("mining permit") received by the IDNR.

The application for the mining permit was received by the Office of Mines and Minerals in February. To comply with state law, the IDNR has 120 days to evaluate the permit application. Within the first 45 days, the county in which the mine would be located is allowed to request a public hearing, at which time the 120-day evaluation period stops until the hearing can be held. LaSalle County did not request a public hearing for this mine, and the 120-day period continued on schedule.

McCauley noted that within the 120-day evaluation period, the Office of Mines and Minerals requested additional information from Mississippi Sand two times. While the Office of Mines and Minerals waited to receive the additional information on the mining permit application, the 120-day period was stayed. These requests for additional information each took approximately three weeks.

Once the 120-day evaluation period ends, the Office of Mines and Minerals must determine if the mining company has met all of the regulatory requirements of the permit application. If the applicant has done so, the Office of Mines and Minerals issues a bond and fee letter to the applicant. A bond and fee letter details the price of the fee, per acre, that the company must pay to the IDNR before the mining permit will be issued. These fees are used to fund reclamation of mining sites if companies forfeit the mines before reclamation is complete.

The 120-day evaluation period ended on Friday, June 15, at which time a bond and fee letter was sent to Mississippi Sand. When the appropriate fee and the required bond documents are returned to the IDNR, the permit will be issued. A copy of the approved reclamation plan will be sent to Mississippi Sand along

with a copy of the issued mining permit. Mississippi Sand is then required to file these documents with LaSalle County.

Questions on the IDNR Permit

Mitchell asked McCauley how the findings of the IHPA fit into the decision of the IDNR. Mitchell also noted that the LaSalle County Board was asked to hold a public hearing on the mining permit application, but that the request was denied. She voiced her concern that citizens of LaSalle County were not heard during the permitting process nor at the initial LaSalle County Board hearing. Mitchell noted that the LaSalle County citizens had no opportunities to speak until the Joint Rivers Coordinating Council meeting on February 6, 2012.

McCauley noted that, based upon the statute that the IDNR is mandated to follow, only the county would be able to request a public hearing, and that no authority exists in the statute to allow the IDNR to force the county to request such a hearing.

McCauley addressed Mitchell's question about the IHPA decision. McCauley noted that the IEPA considers historic preservation, as well as threatened and endangered species, through a consultation process. The IDNR is made aware of the information that the IEPA receives through this process; however, the determinations made by the IHPA do not factor into the decision made by the IDNR, as no state statute mandates the IDNR to address historic preservation in the permitting process.

McCauley noted that the mining permit issued by the IDNR's Office of Mines and Minerals addresses two issues: reclamation and the regulation of surface blasting. If mitigation is required for historic preservation or the protection of threatened or endangered species, that decision lies within the scope of authority of the IEPA.

Mitchell asked for clarification on how the IDNR could process the mining permit when the IEPA was waiting for a response from the IHPA. Hirner clarified that the IEPA and the IDNR permit processes are separate. The requirement mandating that any historically significant objects on the site be excavated or documented, as determined by the IHPA consultation, is a federally mandated requirement that is tied to the IEPA's legal obligations for the regulation of water resources and air. The Mines and Minerals Act, which provides the authority for the IDNR's permitting process, is a state law which has no requirement mandating that the IHPA be involved in the decision made by the IDNR.

McCauley confirmed that historic materials are addressed in the federal law, which is why they are not addressed in the state law. He also noted that, although the mining permit may soon be issued by the IDNR, Mississippi Sand cannot begin mining without receiving all of the required permits from LaSalle County, the IDNR, the IEPA Bureau of Water, and the IEPA Bureau of Air.

Frisbie asked McCauley what would allow the IDNR to reject an application for the mining permit. McCauley responded that a mining permit application could be rejected if a company was unable to satisfy any of the regulatory requirements, or if it did not have the legal right to mine under appropriate land use requirements or annexation.

Stacy Myers, Openlands, expressed her concern that the maps provided by Mississippi Sand to the IDNR, and to the public at the public availability session, appear to show that the reclamation lake will cover a jurisdictional wetland. She noted that the excavation could cause the remaining wetlands, including Ernat's Marsh, to drain because the wetlands and the excavation site share a common water table. Myers expressed concern that the reclamation

map appears to be in conflict with stated stipulations that the company maintain a 25-foot buffer around each jurisdictional wetland while mining. Myers questioned if the maps are in error, or if they might need revision.

McCauley noted that the IDNR can only consider acreage within the property noted on the application that is the subject of the mining permit, which excludes Ernat's Marsh. McCauley noted that, in the mining application, Mississippi Sand agreed to place a 25-foot buffer between the mining area and any jurisdictional wetlands.

Myers noted that two acres of a jurisdictional wetland all within the mining permit application. The permit application demarcates a 25-foot buffer between the mining area and the wetland, but the map of the reclamation lake shows the wetland would be covered by the lake.

Hirner mentioned that if an answer on the accuracy of this portion of the permit application was not available, it could be added to the list of questions to be submitted to each agency.

Marcia Willhite, Chief of the Bureau of Water, IEPA, provided the Council with an update on the permitting processes from the IEPA Bureau of Water and the IEPA Bureau of Air. Currently, the IEPA is considering three permit applications from Mississippi Sand. The Bureau of Air is considering one permit application for an [air pollution control permit](#) ("air") which covers the silica sand processing. The Bureau of Water is considering two permit applications, the [general storm water NPDES permit for construction activities](#) ("storm water/construction") and the [general NPDES permit for non-coal mines](#) ("sand mining").

Currently, the Bureau of Air is in the process of finalizing its review of the air permit application and is reviewing the comments from the public availability session. Willhite believes the deadline for a decision on the air permit application will be in August. She noted that during the public availability session, the Bureau of Air did receive comments related to monitoring of silica sand dust, and those comments are under review.

The Bureau of Water is reviewing the storm water/construction permit, which would allow construction activities to begin on the site. Timing on granting the storm water/construction permit will depend on time needed to receive and review comments from the public availability session. The Bureau of Water consulted with the IDNR concerning threatened and endangered species, but is still waiting to receive a determination from the IHPA on historic artifacts in the area.

The Bureau of Water is also reviewing the sand mining and processing permit. However, the Bureau of Water needs further clarification from Mississippi Sand, and is waiting to receive answers. The sand mining permit is moving at a slower pace than the storm water/construction permit.

Questions on the IEPA Permits

Frisbie asked for clarification on why the sand mining permit is moving at a slower pace than the storm water/construction permit. Frisbie also asked how any potential threats to the wetlands on the property are being considered. Willhite responded that Mississippi Sand submitted an application for the storm water/construction permit earlier than its application for the sand mining permit. In response to the query on wetlands, Willhite noted that the IEPA relies on a determination by the USACE as to whether mining activities near or on any wetlands would trigger the need for a [Clean Water Act Section 404 Permit](#) ("404 permit"). The USACE has determined that a 404 permit will not be required; therefore, the IEPA will not be required to do a certification of water quality standards related to the wetlands.

Tess Wendel, Illinois Chapter of the Sierra Club, asked what deadlines had been set for the storm water/construction permit and the sand mining permit. Willhite responded that the air

permit is a state construction permit which has a statutory deadline, but that the two permits being considered under the Bureau of Water do not have statutory deadlines for completion.

Wendel noted that during the public availability session, members from the Bureau of Air noted that Mississippi Sand might be applying for a [Federal Enforceable State Operating Permit \(FESOP\)](#). Wendel asked if Willhite had further information on the potential FESOP application. Willhite was unsure if a FESOP application had been submitted or was being considered.

Wendel expressed her concern that the increase of sand mining in the LaSalle County area has not been coupled with monitoring of air quality. Wendel noted the Sierra Club would like to see baseline monitoring begin in the area.

Myers thanked Willhite and the IEPA for coordinating the public availability session and working with the IHPA to ensure that any historic artifacts on the proposed mine site will be protected. Myers expressed her concern that, when looking at the available data from the IDNR, Horseshoe Creek does not appear to have baseline monitoring data on water quality. She noted that baseline monitoring would be helpful as the IEPA reviews the potential effect that the sand mine might have on the water quality of the creek. Myers also noted that Openlands would like to know if other sand mines in the area have contributed enough sediment to the Illinois River to impair the river.

Willhite noted that as part of the antidegradation analysis, which looks at the potential impact of the discharge, the IEPA has been discussing the potential for baseline monitoring and testing with Mississippi Sand. Willhite also mentioned that the IEPA is in the process of gathering data on the portion of the Illinois River close to the potential sand mine.

Myers asked if the IEPA is considering how impediments to Horseshoe Creek might also affect the hydrology of Starved Rock State Park. Willhite responded that the scope of the review determines only the impact of the discharge from the mining area to the receiving waters (Horseshoe Creek).

Wendel asked if a copy of the mining permit and updated permit application from IDNR could be accessed by the public. McCauley noted that a mining permit is simply a piece of paper which signifies that the company has received approval to mine from the IDNR and provides the company with a permit number. If the company updated its application since beginning the application process, an updated copy of the application will be sent to the mining company to file with the county. McCauley believed that the public could access the permit application through LaSalle County, or potentially receive a copy from the Director of the Office of Mines and Minerals, Mike Falter. The permit application would provide detailed information on the mine site and the reclamation plan.

Kulkarni asked if the map presented by Myers was part of the mining permit application sent to the IDNR. Myers responded that the company has presented maps of the reclamation lake four times in total. Maps were provided to the LaSalle County Board during the land use application, the IDNR, the IEPA for the storm water/construction permit, and the IEPA for the public availability session. All of the maps are consistent in their depiction of the boundaries of the reclamation lake. McCauley noted that if the map Myers presented was identical to the one that the IDNR received, then it was included within the mining permit application.

Hirner asked the Council to turn its attention to a proposed resolution submitted by Mitchell. The original resolution had been forwarded to the Council members on Friday, June 15 for review. An updated resolution, also prepared by Mitchell, was forwarded to the Council members on Monday, June 18.

The text of the proposed resolution is as follows:

Proposed Resolution for Consideration at IRCC, June 20 2012

We request that the Illinois River Coordinating Council formally asks the Illinois Environmental Protection Agency, the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources for the following with regard to Mississippi Sand LLC.'s proposed frac sand mine:

- IEPA
 - IEPA should require baseline air monitoring on site prior to construction activities. IEPA should also require fence-line monitoring with monthly reporting once operations begin. Monitoring results shall be made available to the public and should include testing done during the initial start-up period.
 - IEPA should require a thorough chemical and biological study of Horseshoe Creek and its tributaries on the proposed mine site, including fish, macroinvertebrates and mussels.
 - As part of updating the 303(d) impaired waters list, IEPA should determine if the Illinois River is impaired for sediment at its confluence with Horseshoe Creek, and whether the mining operation will contribute any further sediment into this waterway. If so, the NPDES permit should ensure the mining operation does not discharge sediment that will worsen the Illinois River impairment.
- IHPA
 - IEPA and IHPA should discuss alternative development plans that avoid harm to cultural resources with Mississippi Sand LLC. A thorough mitigation plan should be developed for impacts on cultural resources that cannot be avoided. These plans should be shared with the IRCC prior to any construction activities on the site.
- IDNR
 - IDNR should require a thorough study of the hydrology of the mine site in order to consider the short and long term impact of the proposed mining on vegetation, wildlife, land use, land values, local tax base, the economy of the region and the State, employment opportunities, water pollution, soil contamination, and drainage. The proposed mining plan will likely dewater wetlands on the mining site, as well as the St. Peter sandstone formation which extends into the neighboring Starved Rock State Park and is a key attraction of the park.
 - IDNR should require a thorough study of the mine's blasting plan on the sensitive sandstone formations in the neighboring Starved Rock State Park.
 - IDNR should not issue a mining permit until Mississippi Sand reconciles how it can excavate an 80-foot deep reclamation lake in an area with wetlands that the U.S. Army Corps determined were jurisdictional under Section 404 of the Clean Water Act, after assuring the Corps that the mining operation will buffer against introducing any fill into wetlands in the same area. Either the mining permit has a flawed reclamation plan, or the operation is subject to a federal wetlands permit.

Hirner invited discussion on the proposed resolution.

Discussion of the Proposed Resolution

Frisbie voiced her support of the resolution. She stated that the mine would be located in a unique area with history to be protected.

Shauman noted that a map of the area around Starved Rock State Park shows numerous mine sites around the park. He questioned if the resolution would also apply to each of those mining sites. Hirner responded that requirements cannot be created to retroactively apply to sites that are already in operation.

Shauman asked Mitchell why the Council should create requirements for a new mine, while other mines in operation do not face the same requirements. Mitchell voiced her opinion that having baseline monitoring would allow the public to see data on the current air quality around Starved Rock State Park, which could be used to show how the new sand mine affects air quality during operation.

Hirner questioned if the state agencies had the legal authority to fulfill all of the recommendations made by the proposed resolution. She cautioned against requesting that the agencies take action in areas where they do not have the legal authority to act.

McCauley discussed the legal authority of the IDNR to address the recommendations made by the proposed resolution. He noted that the IDNR is already required to determine the impact of each proposed mine on the potential wildlife, vegetation, land use and land values of the site. In regards to the potential dewatering of wetlands, McCauley noted that all questions on wetlands are referred to the USACE. McCauley also commented that while the IDNR reviews potential surface drainage, the review of offsite drainage is made by the IEPA Bureau of Water. In terms of the potential damage to sandstone structures within the Starved Rock State Park by blasting at the mine site, McCauley noted that the IDNR's statutory authority only addresses the protection of structures. While the IDNR could address the park's office, the Starved Rock Lodge, and the homes in the area, the IDNR has no statutory authority over the sandstone formations that could be impacted by the blasting.

Mitchell asked if the IDNR considered the effect of blasting on the homes close to the area. McCauley responded that the homes in the area will be protected by the statutory requirements, which require the mining operator to monitor vibrations from blasting. The mining operator must monitor vibrations from blasting at the closest structure to the mine site to ensure that the vibrations do not exceed one inch per second. McCauley noted that, in its land use application with LaSalle County, Mississippi Sand agreed to ensure that vibrations do not exceed one half inch per second, which offers greater protection to home owners. McCauley mentioned that the threshold for damage to a structure by vibration is two inches per second.

Hirner commented that the IDNR has already issued a bond and fee letter to Mississippi Sand, and questioned if the IDNR could make any further recommendations retroactively. McCauley was unsure, but noted that by issuing the bond and fee letter, the IDNR has agreed that the reclamation plan meets the requirements of the statute.

Mitchell questioned if the mining process would be halted if the IEPA denies any of its three permit applications, regardless of the approved IDNR mining permit. Hirner responded that each

permit deals with specific portions of the mining process. The mining cannot begin until the company has each of the required permits.

Urban asked Lenz if a letter had been provided to Mississippi Sand and the IEPA detailing why a 404 permit was not required, and asked if she could receive a copy of that letter.

Lenz responded that a letter had been provided. Lenz also noted that the last paragraph of the proposed resolution places the responsibility of determining a 404 violation on the IDNR, which he noted is a responsibility of the USACE. Lenz mentioned that the wetland delineation was given with input from two members of USEPA Region 5. A letter was provided to Mississippi Sand that showed the extent of the jurisdictional wetlands, and Mississippi Sand provided the USACE with a plan which showed how the company would avoid each wetland using a 25 foot buffer.

Willhite expressed her uncertainty as to whether the IEPA has the authority to require the baseline air monitoring and fence-line monitoring requested by the proposed resolution. She noted that the final two recommendations, regarding a chemical and biological study of Horseshoe Creek and a determination on how the proposed mine site could contribute to sedimentation within the Illinois River, are within the jurisdiction of the IEPA.

Blodgett asked Willhite if the final two recommendations will be completed by the IEPA.

Willhite responded that a study of the effects on the chemistry and biology of Horseshoe Creek should be completed within the sand mining permit application, as Mississippi Sand is required to prove that the mining activity will not harm biota in the waterways surrounding the area.

Willhite noted that updates to the 303(d) impaired waters list are done on a revolving schedule, and that she was uncertain of the next scheduled update on sediment within the Illinois River.

Hirner commented that she believed if an individual NPDES permit is required of Mississippi Sand, the permitting process will include a public hearing, as required by the Clean Water Act. Willhite confirmed that an individual NPDES permit application does include a public hearing requirement, but noted that the company may qualify for a general NPDES permit. The decision as to which permit Mississippi Sand will need is still being made, pending further information from the company. Once the decision is made, the public will be notified.

Myers requested that Mississippi Sand be required to obtain an individual NPDES permit.

Willhite noted that the IEPA has already received that request.

Hirner asked Mitchell if she would like to continue with the resolution. Mitchell noted that there seemed to be uncertainty as to legal authority on some of the recommendations, and asked if a phone conference could be held prior to the next IRCC meeting to receive an update from the agencies. Hirner responded that a phone conference could be held.

Mitchell requested to withdraw the resolution until the updates are received.

Hirner noted that under the Open Meetings Act, the proposed phone conference would be considered a special meeting, which would require public notification 48 hours prior to the meeting time.

A decision on the proposed resolution was postponed.

A list of unanswered questions from the discussion was drafted by the Office of the Lt. Governor and provided to the IEPA, the IDNR, the IHPA, and the USACE. Each agency will return its responses to the

Office of the Lt. Governor, and those responses will be provided to the Council prior to the proposed phone conference.

The list of questions for the aforementioned agencies can be accessed [here](#).

Member Comments

Blodgett informed the Council that two Illinois wetlands – the Sue and Wes Dixon Waterfowl Refuge at Hennepin and Hopper Lakes in Hennepin, and the Emiquon Complex in Lewistown – are receiving recognition by the Convention on Wetlands of International Importance, known as the Ramsar Convention. The Ramsar Convention is an intergovernmental treaty formed in 1971 which acts as the basis for international cooperation for the conservation of wetlands. Currently, 162 countries provide the 2,040 wetland sites designated for the Ramsar List. The United States holds only 34 of these sites, making the simultaneous designation of the Sue and Wes Dixon Waterfowl Refuge and the Emiquon Complex an important event for the state of Illinois. In recognition of this event, the U.S. Fish and Wildlife Service, The Wetlands Initiative, and The Nature Conservancy have been working with the Office of the Lt. Governor to plan a dedication ceremony for the two wetlands in coordination with the IRCC meeting on August 8, at the Dixon Mounds Museum in Lewistown.

Urban asked when Illinois last received a Ramsar designation. Blodgett responded that Illinois has four total Ramsar designations. The Cache River and Cypress Creek Wetlands were designated in 1994, followed by the Upper Mississippi River Floodplain Wetlands in 2010. The Sue and Wes Dixon Waterfowl Refuge and the Emiquon Complex, formally designated in February of 2012, are the third and fourth Ramsar sites for Illinois.

Blodgett also informed the Council that a planning committee is beginning to organize for the 14th Biennial Governor's Conference on the Management of the Illinois River System, and that suggestions on themes for the conference and the special sessions, or recommended outcomes should be given to members of the planning committee. Blodgett noted that he would be happy to take comments, questions or suggestions, and pass them along at following planning committee meetings.

Bunting informed the Council that [Senate Bill 1849](#) would provide conservation districts with around \$12.5 million for operation. Bunting noted that since fiscal year 2008, the conservation districts have lost about half of their funding for operations, and urged members of the Council to support the bill.

Frisbie updated the Council on the dam removal and modification process on the Chicago River system. Three years ago, Frisbie made a presentation to the IRCC addressing the recommendation to remove four targeted dams along the Chicago River. Since that meeting, Frisbie has been working with the IDNR and the dam owners to facilitate in the removal. Governor Quinn recently announced that funding was available from the IDNR to assist in removing the dams. Three are expected to be removed in 2012, and the state of Illinois is in the process of organizing the removal of the fourth dam.

Public Comment

A member of the US Geological Survey noted that water quality parameters on the stream gage in the Illinois River at Valley City have been updated. This will provide more data and give a better picture of the Illinois River as it flows through southern Illinois.

Merlin Calhoun, citizen, commented that he attended the public availability session on May 23, 2012, and requested baseline monitoring for silica sand dust in the air. He noted his concern that the effects of silica sand dust might be harmful to citizens in the Ottawa area, and voiced his opinion that baseline monitoring could protect the individuals near the proposed mine site. Calhoun voiced his opinion that the influx of mining operations to the LaSalle County area echoes the increase in sand mining in Wisconsin. He argued that without baseline monitoring studies, it will be impossible to prove that any increase in silica sand dust originated with the mining companies.

Adjournment

Hirner invited a motion to adjourn the meeting.
The motion was made by Shauman and seconded by Bunting.
The motion passed with a unanimous vote.

The meeting was adjourned.